

## IN THE COURT OF CRIMINAL APPEALS

FOR THE STATE OF TEXAS

FILED  
 COURT OF CRIMINAL APPEALS  
 11/9/2017  
 DEANA WILLIAMSON, CLERK

DAMON LAVELLE ASBERRY  
 Appellant

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vs.

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No. PD

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COA No. 10-15-00032-CR

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THE STATE OF TEXAS,  
 Appellee

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MOTION FOR EXTENSION OF TIME TO  
FILE PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, the Appellant, by and through her undersigned Attorney of Record, and respectfully moves the Court to extend the time for filing a petition for discretionary review in this cause, and in support therefore would show the Court as follows:

## I.

Damon Lavelle Asberry was convicted in this court of capital murder, and sentenced to life in the Texas Department of Criminal Justice. Following such conviction defendant pursued a direct appeal which was denied, as well as an application for writ of habeas corpus which was also denied. Defendant then filed a Motion for DNA testing pursuant to the provisions of Chapter 64 of the Texas Code of Criminal Procedure, which was denied.

Appellant appealed the denial of his Motion for DNA testing conviction to the Court of Appeals for the Tenth Judicial District. That court affirmed the trial court

decision in an opinion delivered on October 18, 2017.

II.

Appellant's petition for discretionary review is currently due on November 20, 2017.

V.

Appellant hereby requests an extension of time to file his Petition for Discretionary Review until December 20, 2017, and as reasons therefore would show this cause as follows:

Counsel does not have sufficient to time to properly prepare a petition for discretionary review by the current due date, and for that reason seeks additional time to do so. Counsel would show that he has had several matters to deal with in the last thirty days. As a result, counsel has not had sufficient time to devote to the petition in this case.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests this honorable court to extend the time for filing Appellant's Petition for Discretionary Review in this cause to December 20, 2017.

Respectfully submitted,

/s/ Walter M. Reaves, Jr.  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was delivered to  
District Attorney for McLennan County on November 9<sup>th</sup>, 2017.

/s/ Walter M. Reaves, Jr.  
Walter M. Reaves, Jr.